

Notice of Allowability

Application No.

10/657,855

Examiner

Tan Le

Applicant(s)

REMMERS, LEE

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/07/04.
2. ☒ The allowed claim(s) is/are 1,3-10,12 and 14-17.
3. ☒ The drawings filed on 09 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This is the third office action for application 10/657,855. This application contains claims numbered 1, 3-10 and 12-17. Claims 2, 11 and 18-20 have been canceled by the response filed 10/07/04.
2. Claims 1, 3-10, 12 and 14-17 are allowed with the following examiner's amendment: (Note: claim 13 will be canceled by an examiner's amendment below)

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Anthony G. Fussner on November 29, 2004. The application has been amended as follows:

Claim 1, line 3, between "upper" and "support surface", -- horizontal planar --has been inserted.

Claim 1, line 3, between "lower" and " surface", -- horizontal planar -- has been inserted.

Claim 1, line 3, after "a lower *horizontal planar* surface", -- , said upper horizontal planar support surface being vertically spaced from said lower horizontal planar surface --has been inserted.

Claim 1, line 8, between "upper" and "surface", -- horizontal planar -- has been inserted.

Claim 1, line 8, between "upper" and "support surface", -- horizontal planar -- has been inserted.

Claim 1, line 11, after "a shelf" -- supportable by the standard -- has been inserted.

Claim 3, line 3, between "upper" and "support surface", -- horizontal planar --has been inserted.

Claim 3, line 3, between "lower" and " surface", -- horizontal planar -- has been inserted.

Claim 3, line 3, after "a lower *horizontal planar* surface", -- , said upper horizontal planar support surface being vertically spaced from said lower horizontal planar surface --has been inserted.

Claim 3, line 7, between "upper" and "surface", -- horizontal planar -- has been inserted.

Claim 3, line 7, between "upper" and "support surface", -- horizontal planar -- has been inserted.

Claim 6, line 2, "a" has been deleted and --the shelf -- inserted.

Claim 7, line 2, between "the" and "bracket", -- shelf -- has been inserted.

Claim 12, line 4, after "the track", --, the means for supporting the standard including an upper horizontal planar support surface and a lower horizontal planar surface, said upper horizontal planar support surface being vertically spaced from said lower horizontal planar surface -- has been inserted.

Claim 12, line 5, after "a shelf", -- supportable by said standard --has been inserted.

Claim 12, line 6, after " a shelf bracket", --, and means for defining an opening sized to received the means for supporting, the opening having an upper horizontal planar surface that contacts the upper horizontal planar support surface of said means for supporting when the means for supporting is within the opening -- has been inserted.

Claim 13 has been canceled.

Claim 14, line 3, "a" has been deleted and --the shelf -- inserted.

Claim 14, line 4, "a" has been replaced with -- the --.

Claim 14, line 3, between "the" and "bracket", -- shelf -- has been inserted.

Claim 15, line 1, "a" has been replaced with -- the --

Claim 15, line 6, between "upper" and "support surface", -- horizontal planar -- has been inserted.

Claim 15, line 7, between "upper" and "surface", -- horizontal planar -- has been inserted.

REASONS FOR ALLOWANCE:

4. The following is an examiner's statement of reasons for allowance: One major difference between claims 1, 3 and 12 with respect to the closest prior art, Rieman (US 5,110,080) and Jones (US 5,101,989) is that neither Rieman nor Jones teaches the support portion of the track having an upper horizontal planar support surface and a lower horizontal planar surface where the upper horizontal planar support surface is being vertically spaced from the lower horizontal planar surface, and the opening in the back surface of the standard having an upper horizontal planar surface that contacts the upper horizontal planar surface of the track. Reiman also does not teach the front surface of the standard having a top portion that contacts the retaining lip of the track when the support portion is within the opening as recited in claims 1 and 3.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244. The examiner can normally be reached on Mon through Fri. from 9:00Am-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le
Patent examiner
November 29, 2004.



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER